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09/529,587	04/14/2000	JOHN A. DANE	EPRNT-101XX	2045

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EXAMINER	
TODD, GREGORY G	
ART UNIT	**PAPER NUMBER**
2457	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/529,587	DANE ET AL.	
	Examiner	Art Unit	
	GREGORY G. TODD	2457	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 September 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *3,4,7,8,10,14-17,19,20,23,24,27,28 and 30-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *3,4,7,8,10,14-17,19,20,23,24,27,28 and 30-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This office action is in response to applicant's amendment filed 09 September 2009, of application filed, with the above serial number, on 14 April 2000 in which claims 32, 33, and 34, have been amended and claims 5 and 25 have been cancelled. Claims 3-4, 7-8, 10, 14-17, 19-20, 23-24, 27-28 and 30-36 are pending in the application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Amended Claim 32-34 recites the limitation "the editing functions" in line 24. There is insufficient antecedent basis for this limitation in the claim.

Amended Claims 32-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation "different classes of users based on their level of access" in line 24 is unclear as the term 'users' is introduced and it is not clear how the users differ from the guests, as well as the customers, the photographer and hosts, and introduced event participants. Request is made for more clearly distinguishing between at least the guests, users, event participants, and customers, as it appears all four are redundant and thus indefinite.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 3-4, 7-8, 10, 14-17, 19-20, 23-24, 27-28, and 30-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garfinkle et al (hereinafter "Garfinkle", 6,017,157) in view of Photonet (hereinafter "Photonet", NPL citation U).

As per Claim 32, Garfinkle teaches a computer method for storing and saving electronic photographic images comprising:

providing access to a server having picture memory adapted to store said electronic photographic images obtained by a photographer at an event (at least col. 3:52-67; digital images from photographer), an event profile with respect to said event having information relating to said event (at least col. 4:57-65; col. 5:59; eg. name), an ordering interface for allowing communication over a public network (at least col. 5:10-26; ordering over www), said server providing access to said electronic photographic images stored in said picture memory by said photographer and customers of said photographer having correct access information (at least col. 8:49-55; 4:55-56; selective authorized access), said ordering interface further providing access to an image profiler only by said photographer and/or host of said event adapted to sequence and caption said stored electronic photographic images for display to said customers of said

photographer (at least col. 5:10-29; col. 9:42-56; eg. photographer access to online proof sheet; editing);

wherein said ordering interface comprises a graphical user interface organized in different subsets that are available to different classes of users based upon their level of access, remotely accessed by said customers of said photographer via one or more subsets of the graphical user interface over said public network using a browser for the purpose of ordering an image product with respect to said stored electronic photographic images (at least col. 5:10-29; 8:1-37; 9:42-63; client browser ordering of visual prints and various capabilities of accounts).

Garfinkle fails to explicitly teach the event is attended by one or more event host and guests that include customers of the photographer and the event profile including separate logins for the event host and guests that grant different levels of access, wherein at least one subset of the interface provides access to the editing functions of the imaging profiler that enable the user to select, arrange and caption the images and otherwise prepare them for presentation to event participants and at least, one other subset of the interface provides a more limited range of functions excluding said editing functions, instead providing access to image, viewing and print ordering functions. However, the use and advantages for using such a system is well known to one skilled in the art at the time the invention was made as Garfinkle teaches subjects being photographed by a photographer (col. 2:46-50), such photographs being taken at some sort of 'event' as images of interest or from particular rolls of film and the like are given a unique prefix to an access code for the images of interest (col. 4:2-20), or event. Such

subjects, or guests, could then be selectively authorized access through the interface B at a second location (col. 4:55-60) and when providing the access code, being granted access to the images of interest. Garfinkle further goes on that the client interface to the image server allows the client to view an index print of images the photographer has made available to them with the unique access code (col. 8:1-19, 35-37). Each interface is also individually controlled by being assigned an administrative (host) account and password allowing some access to pricing sheets at the image server, for example (col. 8:49-58). Garfinkle teaches the interface is accessed using an account and password unique to the party, with the capabilities an account can perform being limited by an access control list in a manner well known in the art (col. 9:45-49). Garfinkle further teaches appropriate parties accessing the account wherein the capabilities of the user can be controlled via an access list as is well known in the art (col. 9:42-63). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have Garfinkle's photographer attend an event to photograph the subjects of interest, and provide them limited access to order prints from the index of prints the photographer chooses for them to order from as Garfinkle teaches limited access control and unique accounts and passwords being given for the appropriate parties and that such appropriate parties, such as those being photographed would have interest in ordering prints of themselves at the event. Lastly, it is a Design Choice to limit certain capabilities to particular accounts subsets and Garfinkle clearly teaches multiple interfaces being used with different capabilities provided to different users as controlled by the access list.

Garfinkle fails to explicitly teach said server adapted to use the event profile to provide an interface over the public network where said customers of the photographer can leave their email addresses before the images are available in order to be notified when the images are ready to be viewed; and wherein said ordering interface is operable to: notify said customers of the photographer of the availability of the images. However, the use and advantages for using such a system is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Photonet. Photonet teaches automatically receiving an email message when photos are ready to be viewed and ordering reprints and personalized gifts of photos (at least pages 2-3). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the use of Photonet's email and online photo ordering and sharing capabilities with Garfinkle as Garfinkle and Photonet were both owned and operated by PictureVision and Photonet simply elaborates on the capabilites of Garfinkle's system and vice versa and as Garfinkle teaches emailing photos (col. 5:10-24) and receiving orders places through an HTML interface (col. 9:14-17).

As per Claim 33, Garfinkle teaches a method of remotely uploading, storing, reviewing, and editing electronic photographic images on behalf of a customer comprising:

using a digital camera for storing visual images therein (at least col. 3:52-55; digital camera);

transmitting said electronic photographic images stored on said camera to an order server (at least col. 3:55-67; transfer to image servers);

creating an event profile having information relating to said event, said order server adapted to use the event profile to provide an interface over a public network (at least col. 4:57-65; col. 5:59; eg. name),

organizing the ordering interface in different subsets that are available to different classes of users based upon their level of access, (at least col. 9:42-63; various capabilities of accounts),

sequencing and captioning said electronic photographic images by said photographer and/or event host for display to customers of said photographer (at least col. 5:10-29; col. 9:42-56; eg. photographer access to online proof sheet; editing);

storing said electronic photographic images on a memory at said order server for remote access by a remote customer of said photographer over a public network using a client browser (at least col. 5:10-67; Raid storing images for browser view over www);

displaying selected electronic photographic images from said memory to said remote customer having correct access information over said public network in accordance with the sequence and captioning (at least col. 5:10-29);

receiving an order from said remote customer enumerating a subset of said electronic photographic images (at least col. 7:43-52; number of visual prints to be ordered); and

producing a hardcopy rendition of said subset of electronic photographic images (at least col. 7:43-52; visual prints).

Garfinkle fails to explicitly teach the event is attended by one or more event host and guests that include customers of the photographer and the event profile including separate logins for the event host and guests that grant different levels of access, wherein at least one subset of the interface provides access to the editing functions of the imaging profiler that enable the user to select, arrange and caption the images and otherwise prepare them for presentation to event participants and at least, one other subset of the interface provides a more limited range of functions excluding said editing functions, instead providing access to image, viewing and print ordering functions. However, the use and advantages for using such a system is well known to one skilled in the art at the time the invention was made as Garfinkle teaches subjects being photographed by a photographer (col. 2:46-50), such photographs being taken at some sort of 'event' as images of interest or from particular rolls of film and the like are given a unique prefix to an access code for the images of interest (col. 4:2-20), or event. Such subjects, or guests, could then be selectively authorized access through the interface B at a second location (col. 4:55-60) and when providing the access code, being granted access to the images of interest. Garfinkle further goes on that the client interface to the image server allows the client to view an index print of images the photographer has made available to them with the unique access code (col. 8:1-19, 35-37). Each interface is also individually controlled by being assigned an administrative (host) account and password allowing some access to pricing sheets at the image server, for example (col. 8:49-58). Garfinkle teaches the interface is accessed using an account and password unique to the party, with the capabilities an account can perform being limited by an

access control list in a manner well known in the art (col. 9:45-49). Garfinkle further teaches appropriate parties accessing the account wherein the capabilities of the user can be controlled via an access list as is well known in the art (col. 9:42-63). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have Garfinkle's photographer attend an event to photograph the subjects of interest, and provide them limited access to order prints from the index of prints the photographer chooses for them to order from as Garfinkle teaches limited access control and unique accounts and passwords being given for the appropriate parties and that such appropriate parties, such as those being photographed would have interest in ordering prints of themselves at the event. Lastly, it is a Design Choice to limit certain capabilities to particular accounts subsets and Garfinkle clearly teaches multiple interfaces being used with different capabilities provided to different users as controlled by the access list.

Garfinkle fails to explicitly teach said server adapted to use the event profile to provide an interface over the public network where said customers of the photographer can leave their email addresses before the images are available in order to be notified when the images are ready to be viewed; and wherein said ordering interface is operable to: notify said customers of the photographer of the availability of the images. However, the use and advantages for using such a system is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Photonet. Photonet teaches automatically receiving an email message when photos are ready to be viewed and ordering reprints and personalized gifts of photos (at least

pages 2-3). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the use of Photonet's email and online photo ordering and sharing capabilities with Garfinkle as Garfinkle and Photonet were both owned and operated by PictureVision and Photonet simply elaborates on the capabilites of Garfinkle's system and vice versa and as Garfinkle teaches emailing photos (col. 5:10-24) and receiving orders places through an HTML interface (col. 9:14-17).

Claim 34 does not add or define, in substance, any additional limitations over claims 32-33 and therefore is rejected for similar reasons.

As per Claims 3 and 23.

wherein said ordering interface access providing step further comprises providing access to a customer order selector adapted to enumerate and quantify a subset of said electronic photographic images to be produced as said hardcopy renditions (at least col. 7:43-52; number of visual prints to be ordered).

As per Claims 4 and 24.

wherein said ordering interface access providing step further comprises providing access to a customer proofbook adapted to store a subset of said electronic photographic images, wherein said customer proofbook persists between said remote accesses by said customer (at least col. 5:10-29; online proof sheet).

As per Claims 7 and 27.

wherein said image loader access providing step enables receiving said electronic photographic images from a non-volatile digital media (at least col. 5:36-64; eg. RAID).

As per Claims 8 and 28.

wherein said non-volatile digital media is selected from the group consisting of magnetic and optical formats (at least col. 5:36-64; eg. RAID).

As per Claim 10.

wherein said translating comprises scanning a visual image into a digital storage format (at least col. 3:4-20; scanning).

As per Claim 14.

wherein said displaying is in response to interactive selecting by said customer through said publicly accessible network (at least col. 5:10-29).

As per Claim 15.

arranging said electronic photographic images according to an event and said displaying said electronic photographic images occurs selectively according to said event (at least col. 8:7-26; col. 5:10-29).

As per Claims 16 and 19.

wherein said displaying is followed by the step of electing a quantitative and qualitative assertion for at least one of said electronic photographic images (at least col. 8:7-26; col. 5:10-29; col. 9:42-54).

As per Claim 17.

wherein said electing further comprises storing at least one of said electronic photographic images in an electronic proofbook (at least col. 5:10-29; online proof sheet).

As per Claim 18.

wherein said electronic proofbook is accessible only by said customer (at least col. 5:10-29; col. 8:8-20; online proof sheet).

As per Claim 20.

wherein said storing is preceded by the step of remotely altering/editing said electronic photographic images (at least col. 9:42-56; col. 8:8-37).

As per Claim 30.

further including the step of providing access to stored images for allowing image editing (at least col. 9:42-63; col. 7:25-42).

As per Claim 31.

wherein said editing step includes one or more of the steps of categorizing, sorting and titling (at least col. 9:42-56; col. 8:8-37).

As per Claim 35.

wherein said information comprises any one or more of the following: name of the event, name of the photographic subjects, the date the event is to take place; and the price list and/or packages to be used by host or guests when ordering merchandise associated with the event (at least col. 5:10-61; 8:49-58; eg. name/ price sheet).

As per Claim 36. The method of claim 32 wherein said access information is provided on a hard copy print provided to said customers (at least col. 8:8-37; index print).

Response to Arguments

5. Applicant's arguments with respect to claims 3-4, 7-8, 10, 14-17, 19-20, 23-24, 27-28 and 30-36 have been considered but are moot in view of the new ground(s) of rejection. In addition, reproduced below, it would be obvious in view of Garfinkle to teach the amended features of the claims.

Garfinkle teaches subjects being photographed by a photographer (col. 2:46-50), such photographs being taken at some sort of 'event' as images of interest or from particular rolls of film and the like are given a unique prefix to an access code for the images of interest (col. 4:2-20), or event. Such subjects, or guests, could then be selectively authorized access through the interface B at a second location (col. 4:55-60) and when providing the access code, being granted access to the images of interest. Garfinkle further goes on that the client interface to the image server allows the client to view an index print of images the photographer has made available to them with the unique access code (col. 8:1-19, 35-37). Each interface is also individually controlled by being assigned an administrative (host) account and password allowing some access to pricing sheets at the image server, for example (col. 8:49-58). Garfinkle teaches the interface is accessed using an account and password unique to the party, with the capabilities an account can perform being limited by an access control list in a manner well known in the art (col. 9:45-49). Garfinkle further teaches appropriate parties

accessing the account wherein the capabilities of the user can be controlled via an access list as is well known in the art (col. 9:42-63). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have Garfinkle's photographer attend an event to photograph the subjects of interest, and provide them limited access to order prints from the index of prints the photographer chooses for them to order from as Garfinkle teaches limited access control and unique accounts and passwords being given for the appropriate parties and that such appropriate parties, such as those being photographed would have interest in ordering prints of themselves at the event. Lastly, it is a Design Choice to limit certain capabilities to particular accounts subsets and Garfinkle clearly teaches multiple interfaces being used with different capabilities provided to different users as controlled by the access list.

Applicant also argues Garfinkle's system requires the user to phone in orders. However, Garfinkle clearly teaches that orders may be places through the HTML interface as well as over the phone (col. 9:14-17).

Applicant also argues Garfinkle does not allow selective authorized access including different subsets of interfaces. However, Garfinkle clearly teaches various capabilities being provided to different parties/users that are controlled via an access control list and selective to the user account and password and the design choices the capabilities can be split up into different multiple interfaces (col. 9:42-63). Also, see the revised Rejection above.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Newly cited Mayle et al, in addition to previously cited Johnson et al, Jebens et al, Franklin et al, Yang et al, Yamade et al (scanned image sequencing), Anderson, Camrax, Epicad, Barraclough et al, Fredlund et al, and Khosla et al, Ogawa et al, Chalstrom et al, Fredlund et al, Dellert et al, Sheridan, Shiota et al, Enomoto et al, Martin et al (payment server), Moghadam et al (networking photos), Brindle et al (photo description), Yien et al (networked image editing), Loeb (multimedia, photo delivery mechanisms), Woods (Kodak abstract for system claimed dated August '97), DaleLabs (digital film developing), Oldroyd Digital (digital film printing and editing), and

WebPhotos (a very similar system to that claimed) are cited for disclosing pertinent information related to the claimed invention. Applicants are requested to consider the prior art references for relevant teachings when responding to this office action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY G. TODD whose telephone number is (571)272-4011. The examiner can normally be reached on Monday - Friday 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/G. G. T./

Examiner, Art Unit 2457

/Moustafa M Meky/

Primary Examiner, Art Unit 2457